

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KIRSHA BROWN,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,
et al.,

Defendants.

2:10-cv-00503-GMN-LRL

O R D E R and RECOMMENDATION

Plaintiff has submitted an Application to Proceed *In Forma Pauperis* and a Complaint. (#1). The court finds that plaintiff is unable to prepay the filing fee. However, for the reasons set forth below, the court recommends that the Complaint be dismissed with prejudice as delusional and frivolous.

I. *In Forma Pauperis* Application

Plaintiff has submitted the affidavit required by 28 U.S.C. § 1915(a) showing that she is unable to prepay fees and costs or give security for them. Accordingly, her request to proceed *in forma pauperis* will be granted pursuant to § 1915(a).

II. Screening the Complaint

Upon granting a request to proceed *in forma pauperis*, a court must additionally screen a complaint pursuant to § 1915(e). Specifically, federal courts are given the authority to dismiss a case if the action is legally “frivolous or malicious,” fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. § 1915(e)(2). A complaint, or portion thereof, should be dismissed for failure to state a claim upon which relief may be granted “if it appears beyond a doubt that the plaintiff can prove no set of facts in support of his claims that would entitle him to relief.” *Buckey v. Los Angeles*, 968 F.2d 791, 794 (9th Cir. 1992).

1 In considering whether the plaintiff has stated a claim upon which relief can be granted, all
2 material allegations in the complaint are accepted as true and are to be construed in the light most
3 favorable to the plaintiff. *Russel v. Landrieu*, 621 F.2d 1037, 1039 (9th Cir. 1980). Allegations of a pro
4 se complaint are held to less stringent standards than formal pleading drafted by lawyers. *Haines v.*
5 *Kerner*, 404 U.S. 519, 520 (1972) (per curiam). When a court dismisses a complaint under § 1915(e),
6 the plaintiff should be given leave to amend the complaint with directions as to curing its deficiencies,
7 unless it is clear from the face of the complaint that the deficiencies could not be cured by amendment.
8 *See Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995) (citation omitted).

9 Pursuant to 42 U.S.C. § 1983, plaintiff has filed a civil rights complaint against the FBI and the
10 Las Vegas Metropolitan Police Department. She seeks three million dollars in damages. In the section
11 of the complaint form titled, "Nature of the Case," plaintiff wrote, among other things, "I am what they
12 call a 'Government Target'! I have been this for nearly 5 yrs, since 2006. As a target I am a victim of
13 'gang stalking.' I have been gang stalked in 3 different states Georgia, Illinois, & Nevada, primarily Las
14 Vegas." In the spaces provided to name and describe Count I, plaintiff wrote, "Constitutional & civil
15 rights violations. Also human rights violations. Focus: All of my constitutional rights below." Plaintiff
16 then asserts as supporting facts, "As a target the government, local, state & federal authorities make a
17 determined effort to violate my constitutional rights," and "I am constantly watched 24/7, monitored,
18 tracked, watched, followed on foot, by vehicle, & bicycle, motorcycle, & by air-stalked (helicopter)."
19 For Count II, plaintiff claims that her civil rights were violated and she lost wages as a result of illegal
20 wiretapping of her "phone, home phone/cellphone, computer, Ipod, etc." For the civil right violated
21 under Count III, plaintiff wrote, "my human rights." As supporting facts she wrote, "My right to life has
22 been violated due to the gang-stalking groups/network of everyday citizens whom stalk & harass me.
23 These strangers know all my whereabouts, home etc." The court finds that these statements are
24 fantastic, delusional, and irrational, and will therefore recommend that the Complaint be dismissed.

25 Accordingly, and for good cause shown,

26 ...

1 IT IS ORDERED that plaintiff's Application to Proceed *In Forma Pauperis* (#1) is GRANTED.

2 IT IS FURTHER ORDERED that plaintiff is permitted to maintain the action to conclusion
3 without necessity of prepayment of any additional fees, costs, or security. This Order granting *forma*
4 *pauperis* status shall not extend to the issuance of subpoenas at government expense.

5 IT IS FURTHER ORDERED that the Clerk of Court shall file the Complaint.

6 IT IS ALSO RECOMMENDED that the Complaint be dismissed with prejudice as delusional
7 and frivolous.

8 DATED this 5th day of August, 2010.

9 

10
11 **LAWRENCE R. LEAVITT**
12 **UNITED STATES MAGISTRATE JUDGE**

13 The Court hereby ADOPTS the REPORT and RECOMMENDATIONS of the United
14 States Magistrate Judge.

15 IT IS SO ORDERED this 23rd day of August, 2010.

16
17 

18 **Gloria M. Navarro**
19 **United States District Judge**